

**IDAHO REAL ESTATE APPRAISER BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 2/12/2014**

**BOARD MEMBERS PRESENT:** Brad Janoush - Chair  
Darin D Krier  
Douglas D Vollmer  
Paul J. Morgan  
Nancy Sommerwerck

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, Legal Counsel  
Maria Brown, Technical Records Specialist

**OTHERS PRESENT:** Cindy Reno-Smith  
Steph Higdem  
Joe Stenkamp  
Jim Thomason  
David Wallace  
David Serdar  
Justin Fredin  
Bob Welch

The meeting was called to order at 8:30 AM MST by Brad Janoush.

**APPROVAL OF MINUTES**

Ms. Sommerwerck made a motion to approve the minutes of 12/2/2013. It was seconded by Mr. Vollmer. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that the Board's Proposed Rule changes were approved by the House and Senate and the Proposed Law changes were approved by the House and headed to the Senate. She thanked Mr. Janoush for attending the Legislative committee meetings regarding these proposed changes.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of (\$35,077.23) as of 1/31/2014.

## **DISCIPLINE**

Mr. Nelson presented a memorandum regarding case number REA-2014-3. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented a Stipulation and Consent Order in case REA-2013-8. Mr. Morgan made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Sommerwerck. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Mr. Krier recused himself from discussion and voting on case I-REA-2014-3. Mr. Morgan made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2014-3. It was seconded by Ms. Sommerwerck. Motion carried.

Mr. Krier recused himself from discussion and voting on case I-REA-2014-6. Mr. Morgan made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2014-6. It was seconded by Ms. Sommerwerck. Motion carried.

Mr. Krier recused himself from discussion and voting on case I-REA-2014-3. Mr. Morgan made a motion to approve the Bureau's recommendation with a warning letter and authorize closure in case I-REA-2014-13. It was seconded by Ms. Sommerwerck. Motion carried.

## **PROBATION REPORT**

Ms. Peel presented the probation report. Mr. Morgan made a motion to release the respondent from probation for case number REA- 2010-11. It was seconded by Mr. Krier. Motion carried.

Ms. Sommerwerck addressed the Board regarding a respondent's reports submitted from the probationary log. The Board gave its recommendations to Ms. Sommerwerck.

## **REQUEST FOR PAYMENT ARRANGEMENTS**

The Board discussed a request for a payment arrangement. Mr. Vollmer made a motion to approve the request for payment of \$2000.00 within ten business days. If not, full payment is due in case REA-2004-5. It was seconded by Ms. Sommerwerck. Mr. Krier voted no. Motion carried.

Ms. Peel presented a request for payment arrangements in case REA-2011-11. The Board tabled this matter until the next Board Meeting.

## **OLD BUSINESS**

### **TO DO LIST**

The Board reviewed the to do list. The Chairman addressed the Board regarding the AMC legislation. Mr. Morgan suggested that the work group include one of the Board members. Mr. Janoush agreed and said that he would make the suggestion and offer to serve. The Chairman addressed the letter to Mr. Stenger drafted after the last Board meeting. He suggested additional language be added to the letter. The Board agreed and directed Ms. Brown to send the letter with the additional language.

## **NEW BUSINESS**

### **COMPENSATION ESTIMATES**

The Chairman addressed the Board regarding compensation estimates. Representatives from the Idaho Transportation Department (ITD) and the Ada County Highway District (ACHD) were in attendance and addressed the Board. The Chairman explained that ACHD uses a valuation form that ends with the words, "certified appraiser's review." He stated that there have been questions about the requirement for certified appraisers to adhere to USPAP and the exemption in the statute for specific entities. The Chairman also noted that the form makes the property owner aware that they have the right to request an appraisal.

Mr. Wallace with the ACHD addressed the Board. He stated that the ACHD contracts with certified general appraisers and that there is a concern amongst the appraisers as to the apparent conflict within the law. He stated that ACHD's purpose is to comply with the law. Cindy Reno-Smith with ITD addressed the Board and explained that ITD uses in house certified general appraisers.

The Chairman read an e-mail to the Board from Mr. Robert Williams regarding this matter. He then explained that there are associations that require their members to adhere to USPAP at all times. Those associations may require the appraiser to have a work file for each appraisal performed even though it may not be required in certain instances by Idaho law because of a specific exception. Mr.

Ellsworth addressed the Board and stated that the law doesn't require licensees to join such associations. Therefore Idaho licensees are not legally subject to the association standards, although licensees may be required to comply with an association's standards to retain certification or good standing within the association. The Board agreed that members of an association should contact their association regarding its specific requirements as to this matter.

### **ASSOCIATION OF APPRAISER REGULATORY OFFICIAL**

Ms. Sommerwerck made a motion to send Mr. Janoush and Ms. Brown to the upcoming AARO conference and pay their registration and expenses. It was seconded by Mr. Vollmer. Motion carried.

Mr. Vollmer made a motion to pay the AARO 2014 Annual Membership dues in the amount of \$350.00. It was seconded by Ms. Sommerwerck. Motion carried.

### **LICENSURE COUNT**

The Board discussed the current licensee count.

### **EXECUTIVE SESSION**

Ms. Sommerwerck made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Vollmer. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

Mr. Krier made a motion to come out of executive session. It was seconded by Ms. Sommerwerck. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

### **APPLICATIONS**

Mr. Morgan made a motion to approve the following for licensure by examination:

SMITH HYRUM	CRA
PERRY ROBERT R	LRA

It was seconded by Ms. Sommerwerck. Motion carried.

Mr. Morgan made a motion to approve the following for a temporary permit with a letter:

ADAMSON HENRY K

It was seconded by Ms. Sommerwerck. Motion carried.

Mr. Morgan made a motion to hold the following application pending further information:

901122882

It was seconded by Ms. Sommerwerck. Motion carried.

**NEXT MEETING 4/7/2014**

**ADJOURNMENT**

Mr. Vollmer made a motion to adjourn the meeting at 10:40 AM. It was seconded by Mr. Morgan. Motion carried.

The Board meeting reconvened.

Mr. Ellsworth addressed the Board regarding a form letter used by another Board for applications with special circumstances. The Board agreed to use a similar letter.

Ms. Sommerwerck made a motion to adjourn the meeting at 10:55 AM. It was seconded by Mr. Vollmer. Motion carried.